




CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 10, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0262

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional.	Not Sustained - Inconclusive
# 2	16.090 - In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

ADMINISTRATIVE NOTE:

On October 23, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On June 13, 2023, the Complainant—a parking garage security officer—left a voicemail OPA complaint. He described issues with congregated people blocking the garage's entrance. The Complainant said he asked them to disperse, but they did not. He said he spotted Named Employee #1 (NE#1)¹ nearby and asked for help removing the group. The Complainant alleged that NE#1 "yelled at [him] like it was my fault" and suggested that he call 9-1-1. He described NE#1's response as "unacceptable," insisting she should have "just walked a half a block and helped me with these people." OPA opened an investigation, reviewing the OPA complainant and computer-aided dispatch (CAD) report. OPA also interviewed the Complainant and NE#1.

On June 14, 2023, OPA spoke with the Complainant. The Complainant told OPA that on July 13, 2023, around 5:45 AM, he engaged NE#1 for help removing three people from the garage's ramp. He said NE#1 yelled, "Already got the call," and it was "a waste of resources." The Complainant also stated that NE#1 claimed she was dispatched to another call. He told OPA he grew "frustrated," and they briefly argued. The Complainant said he left and called 9-1-1 for assistance with the trespassers. He said other officers arrived and assisted him.

On August 24, 2023, OPA interviewed NE#1. She said she was working an overtime patrol shift when she encountered the Complainant. NE#1 said she was assigned to patrol 3rd Avenue. She said that when the Complainant approached,

¹ OPA identified NE#1 based on the patrol car number and a photo provided by the Complainant. After their altercation, he took NE#1's photo with a cell phone.



she was handling “a person sleeping in a doorway blocking the doors” call.² NE#1 said the Complainant told her about people sleeping in a nearby garage, so she suggested he call 9-1-1 since she was on another call. NE#1 said the Complainant declined, saying “he did not want to waste resources.” NE#1 said she again directed him to 9-1-1, and he started yelling and called her a bitch. She said the encounter lasted roughly 15 seconds. NE#1 denied yelling at the Complainant or otherwise being rude.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional.

The Complainant alleged that NE#1 unprofessionally yelled at him and accused him of wasting the department’s resources.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” *Id.* Moreover, while on duty or in uniform, employees will not publicly ridicule “the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system, or the police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.” *Id.*

Here, NE#1 and the Complainant offered opposing descriptions of their altercation. NE#1 claimed that the Complainant yelled at her and called her a bitch for not assisting him. However, the Complainant indicated that NE#1 was immediately dismissive and rude upon his approach. There is too little to sustain this allegation without witnesses or objective evidence. CAD records showed that NE#1 was indeed logged to another trespassing call just before the Complainant engaged her. The Complainant was admittedly irritated by NE#1’s suggestion that he call 9-1-1, but it was reasonable since she was unavailable. Further, NE#1 worked at the department for over 33 years. Her regular work as a West Precinct desk clerk requires significant interpersonal skills and interactions, yet she has no prior allegation of unprofessionalism.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

16.090 - In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity

The Complainant alleged that NE#1 failed to activate her body-worn video (BWV) during her encounter with the Complainant.

Here, the Complainant and NE#1 described their encounter as brief. NE#1 estimated it lasted 15 seconds. NE#1 told OPA that she did not immediately activate her BWV because the Complainant suddenly appeared. She also said that

² CAD records reflected that at 5:37 AM, NE#1 noted, “TRYING TO MOVE ONE FROM 1402 3RD.”



since he approached holding a cell phone in front of him, she anticipated him asking for directions, which would not require BWV activation.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**